

Lyman S. Sappington, one of the Complainants, produced on his own behalf, after having been duly sworn, deposes and says:

(By Mr. Sheffield)

Q. State your name, age and address?

A. Lyman S. Sappington. I am 68 years old and reside at Libertytown, Maryland.

Q. Are you a resident of Frederick County?

A. Yes.

(By Mr. Thompson:

Q. Are you one of the Complainants in an action against Bernice K. Hammaker and others?

A. Yes, the suit was filed by my wife and myself against them.

Q. How long have you lived in or around Libertytown?

A. I have lived continuously in Libertytown for the past 35 years.

Q. Do you and your wife claim to be the owners of certain real estate located on Route #26 in the Town of Libertytown?

A. Yes, we claim to own five unimproved lots on the south side of Route #26 in the Town of Libertytown. These lots are shown on the old plat of Libertytown recorded among the Land Records of Frederick County as being 50 feet each or a total of 250 feet in width with a depth of 300 feet and we thought that we had acquired title to all of the lots in a deed from my mother.

Q. When did you first learn that you might not have legal title to all five lots?

A. We first learned of some question about these lots when Kenneth Poole contacted me concerning my willingness to sell these lots. I indicated that I would be interested in selling them and he proceeded to have the title checked. I was then informed that my deed only conveyed Lots 20, 21 and 22 and did not convey Lots 18 and 19.

Q. Mr. Sappington, I show you a deed marked "Exhibit A" and ask you if this is the deed conveying these lots to you from your mother?

A. Yes, that is the deed.

Q. Do you know how your mother acquired these lots?

A. My mother, Mittie V. Sappington and my father, James Sappington of S, purchased these lots from Eugene Hammond.

Q. I show you a certified copy of a deed marked "Exhibit B" and ask you if this is the deed which conveyed these lots by Mr. Hammond to your mother and father?

A. Yes, that is the deed.